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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,455	10/31/2000	Eric Morgan Dowling	EMP-Multi00ICIP1	1166

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EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/702,455	DOWLING, ERIC MORGAN
	Examiner	Art Unit	
	Ba Huynh	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 June 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9 and 12-21_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9 and 12-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _6/17/05_.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-9, 12-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of U.S. Patent No. 6,819,339 (Dowling). Although the conflicting claims are not identical, they are not patentably distinct from each other because implementation of the portable program code for performing multilevel search is well known in the art (see US6,304,864, Liddy, cited in the last Office action). Combining the well-known portable search engine would have been obvious to one of skill in the art for the advantage of portability.

Claims 1-9, 12-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 37-89 of copending Application No. 10/900,180. Although the conflicting claims are not identical, they are not

patentably distinct from each other because both are directed to a multilevel search engine as

disclosed similarly claimed.

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claim Rejections - 35 USC § 112

Claims 1-9, 12-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. The applicant fails to provide a detailed description of the now added limitations

"wherein each document in the returned set of documents... beyond the linked set of

documents".

Claim Rejections - 35 USC § 103

1.   Claims 1-9, 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

patent #6,304,864 (Liddy et al), in view of US patent #6,334,145 (Adams et al).

- As for claims 1, 6, 9, 19, 21: Liddy et al teach a client-side multilevel search browser

plug-in module (5:49 - 59) comprising an application layer interface coupled to a

protocol stack (inherently included in the teaching of Internet browser) for receiving a

portion of a web page, a browser 20 for interacting with a user and for identifying a target

document, a multilevel search engine 22 coupled to receive a user input search parameter

defining the content of the search (9:13-24), the multilevel search engine 22 operative to

specify a remote agent which comprises portable executable program codes for

conducting multilevel browser operation, comparing the content of a markup document to

the input search string, whereby the executable program codes are transmitted to a

network server to execute on the network server external from the browser (9:49 –

10:65). The system is capable of searching through multiple of link level (10:32-38).

Thus each document in the return set of documents includes content as defined by the

input search string and is guaranteed to be a member of the linked set of documents as

defined by the search level. Liddy fails to clearly teach that the first parameter is not re-

entered into any embedded search engines found in the linked set of documents or any

other search engines to extend the search beyond the linked set of document. In the same

field of multilevel searching, Li et al teach limiting the search within a specified domain

(Li's 8:32-60). It would have been obvious to one of skill in the art, at the time the

invention was made, to combine Li's teaching of limiting the search within a specified

domain to Liddy. Motivation of the combining is for confining the search within the

domain of interest. In view of the combining the search string will not be entered into any

search engine that is outside of the specified domain. While Liddy teaches a multilevel

search (10:32-38. See also Li's 8:44-49) however fail to suggest a user interface for

receiving user input parameter defining the number of link level to be searched. In the

same field of multilevel searching in Internet browser, Adams et al teach the multilevel

search control interface for the user to specify a search level (figure 7). It would have

been obvious to one of skill in the art, at the time the invention was made, to combine

Adams' teaching of the multilevel search control interface to Liddy's teaching of

multilevel searching for the user to specify a search level. Motivation of the combining is

for the user to control the amount of information retrieved.

- As for claims 2, 3: The browser interface includes a window display providing an

interactive menu to the user (figures 3A,B).

- As for claims 4, 8: Per Adams, a folder is created to store URL addresses of the

  identified links. The combined teaching fails to teach the automatic downloading of

  the identified links (files). However Official notice is taken that downloading the

  identified files would have been obvious to one of skill in the art. Motivation of the

  combining is for automatically presenting the identified files to the user, thus saving

  interaction time.

- As for claim 5: Per Adams, a folder is created to store URL addresses of the

  identified links. The combined teaching fails to teach the creating a sitemap

  representing the link structure of the identified links. However Official notice is

  taken that implementation of creating the sitemap is well known in the art of

  information retrieval. The implementation would have been obvious to one of skill in

  the art for the purpose of providing a visual representation indicating the hierarchy of

  the links, and for navigation purpose.

- As for claim 7, 20: The browser is capable to search for all files based on user input

parameters. The files include files with extension ".ppt".

- As for claim 12: The content-based search string includes a Boolean keyword

expression (10:14-18).

- As for claim 13: Wireless access to Internet from a mobile workstation is well known in the art and within Liddy's teaching of Internet connection (see patent application 08/696,702, now US patent 6,026,388, Liddy's incorporation by reference, 6:10-14). Since the search agent is trained by a neuron network, it is inherently included in Liddy that the search parameter may be depended on the positioning of the computer.

- As for claims 14, 15: The search agent searches for data that may be compared against a query for a match, repeat the search by accessing a next hyperlink (9:49 – 10:65).

- As for claim 16: In light of the combining, the parameter comprises Boolean keyword expression (10:14-18) and a search level (Adams' figure 7). The indication to continue the search on a designate next linked page is inherently included in Liddy's teaching of multilevel search (10:27-65).

- As for claims 17, 18: It is inherently included in Internet searching that the hyperlink points to a metadata description of a web resource described in resource description framework for accessing the file containing metadata relating to the resource.

Response to Arguments

Applicant's arguments with respect to claims 1-9, 12-21 have been considered but are moot in view of the new ground(s) of rejection.

REMARKS:

In response to the argument that the combined Liddy&Adams does not teach searching within a domain boundary, the limitation is disclosed by Li et al as set forth in the rejection.

However the examiner maintains that Adams' teaching of limiting the crawling within a thread

can be broadly interpreted as crawling within a user specified domain.

2.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794. The

examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
7/9/05

BA HUYNH
PRIMARY EXAMINER